IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1303 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAMESHBHAI VASABHAI KUNCHALA - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR SK GADHAVI for Applicant(s) : 1,
MR KODEKAR ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 11/07/2007

ORAL JUDGMENT

By way of this petition, the petitioner has prayed for an appropriate order directing the respondents, more particularly respondent No.2 to register the FIR as per the complaint dated 14-6-07.

A grievance which is voiced in the present petition is that though the petitioner has filed a complaint before the Satellite Police Station on 14-6-07, the same is not registered as FIR and therefore, the petitioner was constrained to approach the respondent No.2 Deputy Commissioner of Police, Ahmedabad, Zone No.1, Navrangpura and still the complaint is not registered as FIR.

2. Shri Kodekar, learned APP under the instruction from Shri KV Chandpa, PSI, Satellite Police Station has submitted that though the petitioner was called thrice for the purpose of recording his statement, he has never remained present, which is disputed by Shri Gadhvi, learned advocate appearing on behalf of the petitioner. Be that as it may, let the petitioner remain present before the concerned Police Officer of Satellite Police Station on 13-7-07 between 11:00 a.m. And 2:00 p.m. to complete the formalities as required under section 154 of Criminal Procedure Code, so that the complaint of the petitioner dated 14-6-07 can be registered as FIR. After completion of the formalities, the respondents are directed to comply with section 154 of Criminal Procedure Code and register the complaint as FIR.

3. With this, the present petition is disposed of. DS permitted.

(M.R. Shah, J.)

shekhar/-